

USE OF STATE RESOURCES

OAH AGENCY ADMINISTRATIVE POLICIES AND PROCEDURES

Effective Date: November 1, 2002

See Also: RCW 42.52.160 & 180
WAC 292-110-010

The ethical, lawful, responsible and non-discriminatory use of state resources is the responsibility of all state officers and employees.

This policy outlines the general guidelines for permissible and prohibited uses of all state resources by OAH employees, and has been approved, as of September 13, 2002, by the Executive Ethics Board pursuant to WAC 292-110-010. Further information regarding the use of state resources is located on the Washington State Executive Ethics Board Web Site: www.wa.gov/ethics.

This policy also governs and authorizes use of state equipment by OAH personnel to access computer networks, including the Internet and e-mail, consistent with the ethical standards under WAC 292-110-010 (3) and subject to the prohibitions under WAC 292-110-010 (6).

Definitions

De Minimis Use

A de minimis use is: (1) an infrequent or occasional use, and (2) a use that results in little or no actual cost to the state. It must meet both of these tests. For examples see <http://www.wa.gov/ethics/faq.htm#1>.

State Resources

State resources include, but are not limited to, funds, facilities, tools, equipment, vehicles, property, electronic communication systems, consumable resources, and employees and their time.

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Use of State Resources (continued)

Use Standards for State Resources

Permissible Use Standards

Personal Use

De minimis personal use of state resources is permitted under limited circumstances when the use:

Results in little or no cost to the state;

Does not interfere with the performance of official duties;

Is brief in duration and frequency;

Does not distract from the conduct of state business;

Does not disrupt or obligate other state employees to make personal use of state resources;

Does not compromise the security or integrity of state property, information or software;

Is not prohibited under the "prohibited use standards" below.

Official State Business

Use of state resources for purposes that are reasonably related to the conduct of official business or organizational effectiveness is permitted. Organizational effectiveness encompasses activities that enhance or augment the agency's ability to perform its mission.

Other Uses

Any de minimis use supporting, promoting or soliciting for an outside organization or group that is specifically provided for by law, such as the Combined Fund Drive, or specifically approved in advance by the Chief Administrative Law Judge, is permitted.

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Use of State Resources (continued)

Prohibited Use Standards

In General

Any use for personal benefit or gain, or for the benefit or gain of other individuals or outside organizations;

Any use relating to the conduct of an outside business or private employment;

Any commercial use such as advertising or selling products;

Any use supporting, promoting or soliciting for any outside organization, charity or other group, unless it is specifically provided for by law, or is specifically approved in advance by the Chief Administrative Law Judge;

Any campaign use;

Any lobbying except as permitted under RCW 42.17.190 (2) and (3);

Any use that disrupts or obligates other state employees to make personal use of state resources such as chain mailing or forwarding an e-mail that is not related to official business;

Any use related to conduct that is prohibited by a federal or state law or agency policy; and

Any use which involves removing state equipment from the office or other work site for personal use.

NOTE: Using state resources for a prohibited use and reimbursing the state for the use is generally not permitted and may violate ethical standards because it may result in personal benefit and may impose an administrative burden.

NOTE: Further information regarding the permissible and prohibited uses of state resources may be found on the following web site:
<http://www.wa.gov/ethics/faq.htm>

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Use of State Resources (continued)

Determination

An agency may authorize a specific use of state resources that promotes organizational effectiveness or enhances the job-related skills of a state officer or state employee. When an OAH manager is uncertain whether a proposed use of state resources is permissible or prohibited, the manager shall contact a Deputy Chief or the Chief Administrative Law Judge for a final determination.

Charities

The de minimis use of state resources by OAH personnel to support, promote, or solicit for charities is allowed, but must promote organizational effectiveness and comply with WAC 292-110-010 (3). Following are examples of permissible and prohibited uses of state resources for the support of charities.

Permissible

Sending a brief e-mail to notify employees of a charity drive.

Selling home baked items in the lunch room during break times and the lunch hour to support an Adopt-A-Family program.

Participating in Combined Fund Drive activities as assigned. Because the Combined Fund Drive is authorized by statute, employees who are assigned to conduct the drive are performing official duties. Time spent on activities by employees not assigned to conduct the drive should be reasonable, involve little or no cost to the agency, and should not disrupt the conduct of official business.

Prohibited

Any activity that involves an expenditure of state funds.

A group of employees spending 6 working hours of staff time a week over a 4 week period to plan a charitable fund raiser and using the computer, fax, and copier to produce fund raising materials. This is prohibited because it is not a de minimis or limited use of state resources.

Involvement in commercial activity to benefit any charity or other organization including the Combined Fund Drive, i.e., distributing commercial product sales brochures and order forms, collecting product order forms, and distributing products in the workplace on state paid time.

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Use of State Resources (continued)

Computer Games (Also see WAC 292-100-010 (3))

Permissible

Under the permissible "de minimis" use standards, during lunch or break times, OAH employees are permitted to play games that are preloaded on the computer by the manufacturer.

Prohibited

OAH employees are not permitted to download games or to load interactive games onto state owned computers. The game(s) may undermine the security of agency information and databases. Interactive games may disrupt other state employees.

E-Mail

Permissible

Personal e-mails that are brief in duration and frequency, are of little or no cost to the state, and do not interfere with the performance of official duties are permitted, subject to the other prohibitions in this policy.

Prohibited

Extensive personal use of state provided e-mail is not permitted. In addition, broadly distributing or chain-mailing an e-mail that is not related to official business is prohibited because it disrupts other state employees and may obligate them to make a personal use of state resources. (See WAC 292-100-010 (6)).

Sending e-mail messages for any of the following purposes is strictly prohibited: Conducting an outside business; political or campaign activities; commercial uses such as advertising or selling products; lobbying that is unrelated to official duties; solicitation on behalf of other persons unless specifically approved by the Chief ALJ; and illegal or inappropriate activities, such as harassment.

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Use of State Resources (continued)

Internet

Permissible

Use of the Internet is authorized for all OAH employees subject to WAC 292-110-010 (4). Any personal use of state provided Internet access must be brief in duration and frequency, of little or no cost to the state, and must not interfere with the performance of official duties.

Example of a Permissible Use:

Several times a month an employee quickly uses the Internet to check his or her children's school web site to confirm if the school will end early that day.

Prohibited

Extensive personal use of state provided Internet access is not permitted.

Use of the Internet for any of the following reasons is strictly prohibited: Conducting an outside business; political or campaign activities; commercial uses such as advertising or selling products; lobbying that is unrelated to official duties; solicitation on behalf of other persons unless specifically approved by the Chief ALJ; and illegal or inappropriate activities such as harassment. In addition, any non-accidental use of the Internet for pornography is prohibited.

Examples of Prohibited Uses:

An employee routinely uses the Internet to manage a personal investment portfolio and communicate information to the employee's broker.

An employee uses 30 to 40 minutes looking at various web sites related to a personal interest.

An employee visits several humor and joke sites, downloads a joke file and e-mails it to several co-workers. This activity is prohibited because it disrupts other state employees and obligates them to make a personal use of state resources. (See WAC 292-100-010 (6)). In addition, it may undermine the security of agency information and databases.

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Use of State Resources (continued)

Privacy

Use of computers, the Internet, e-mail, fax, voice mail, and similar technologies may create an electronic record. **An electronic record is reproducible and is not private.** Such records may be subject to disclosure under the public disclosure law, or may be disclosed for audit or legitimate state operational or management purposes.

Violation

Violation of this policy may result in disciplinary action up to and including dismissal.

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Date: 9/13/02

Approved: _____


Art Wang, Chief Administrative Law Judge